IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
WRIT PETITION NO.9187 OF 2004

Chunilal Hinduji Oswal
Business Proprietor of M/s.Kohinoor
Tarpauline Industries, having office at
10/11, Y.P.Powar Nagar, Kolhapur ...Petitioner.

V/s.
1.State Bank of India & Ors.
Udyam Nagar Industrial Branch,
Kolhapur-416 008. ...Respondents.

Shri M.C.Shah with Shri Ajay K. Rao for the Petitioner.

Shri A.G.Damle for the Respondent No.1.

CORAM: B.H.MARLAPALLE &
N.H.PATIL, JJ.
DATE : 14th September, 2006.
P.C.:

1. Heard Mr.Shah, the learned counsel for the petitioner who claims to be the proprietor of M/s.Kohinoor Tarpauline Industries.

2. This petition challenges four different orders, some of which have been passed by the D.R.T. whereas, others have been passed by the Appellate Tribunal.

3. The order dated 31.08.2004 is passed by the Recovery Officer of D.R.T., Pune continuing recovery proceedings in R.P.No.118/P/2001. The petitioner has the remedy to challenge the said order before the appropriate forum under the Recovery of Debts Due to

Banks and Financial Institutions Act, 1993 (the Act for short).

4. We, therefore, do not deem it appropriate to entertain this petition. Mr.Shah, the learned counsel appearing for the petitioner states that within a period of two weeks, the impugned order will be challenged before the appropriate forum established under the Act.

5. The petition is, therefore, disposed off by relegating the petitioner to seek alternative remedy available under the Act. and if such an application/appeal is filed within a period of two weeks from today, the period of pendency of this petition, i.e., 3.11.2004 till today shall be taken into consideration to decide the issue of limitation, if it so arises.

6. Parties to maintain status-quo as of now for a period of two weeks from today.

(N.H.PATIL,J.) **(B.H.MARLAPALLE,J.)**